

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION

CLAUDE GENE LEE, SR.,)	
)	
Plaintiff,)	
)	
vs.)	CASE NO: 1:06-cv-874-MHT
)	
WESTPOINT HOME, INC.,)	
)	
Defendant.)	

PLAINTIFF'S OBJECTION TO DEFENDANT'S WITNESSES

Plaintiff Claude Gene Lee, Sr. by and through his attorney of record and files this Objection to Witnesses disclosed by Defendant, as follows:

1. Michael Lingo
2. E. D. Walker

And for reason therefore states as follows:

1. It is believed these witnesses are or were employees of the defendant. Defendant failed to list these witnesses in its initial disclosures. Defendant failed to supplement its initial disclosures adding these two witnesses.

2. Plaintiff's counsel has examined discovery produced by the defendant and cannot find any mention of these two individuals.

3. The Plaintiff, for the first time, learned that these two witnesses had discoverable information concerning this case upon defendant filing its witness list.

4. Plaintiff is unable to ascertain their testimony or otherwise contact them, as their addresses and telephone numbers are listed as the same as that of defense counsel.

5. If these two witnesses are allowed to testify at trial, the Plaintiff will be extremely prejudiced.

/s/ Jay E. Tidwell
Jay Tidwell (TID009)

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CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of October 2007, I have served a copy of the above and foregoing on counsel for all parties by:

_____ Facsimile transmission;
_____ Hand Delivery:
_____ Placing a copy of same in the United States Mail, properly addressed and first class postage prepaid to:
 X Using the CM/ECF system which will send notifications of such to the following:

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